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Docket No. 740116-498

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Checrallah KACHOUH) Group Art Unit: 3676
Serial No. 10/727,562) Examiner: Gary W. Estremsky
Filed: December 5, 2003) Confirmation No. 7991
For: MOTOR VEHICLE DOOR LOCK)

Certificate of Transmission

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Kathleen M. McManus

REQUEST FOR WITHDRAWAL OF PREMATURE FINALITY

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Office Action was mailed February 15, 200, in connection with the above-identified patent application in which it was indicated that claims 11 & 12 were rejected based upon newly-cited prior art. However, in the preceding Office Action claims 11 & 12 were indicated to contain allowable subject matter, and since no amendments were made to claims 11 & 12 in their last Office Action, the citation of new prior art with respect to the feature of these claims could not have been necessitated by any action of application, so that was improper for the Examiner to make his Action final while rejecting these previously allowable claims for the first type based on newly cited prior art. In this regard, the Examiner's attention is directed to MPEP § 706.07(a) which states that: "a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, ... of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art."

Therefore, it is requested that the Examiner issue a Supplemental Action withdrawing

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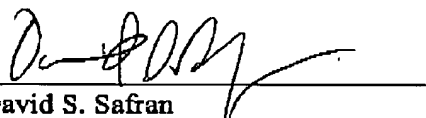
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the finality of the outstanding Office Action. At the same time, the Examiner should correct the comments made in his rejection in that the last paragraph of page 3 of his action refers to claim 10 which does not have the features to which his comments are directed and which may have been intended to be directed toward claims 11 & 12 which are not otherwise mentioned in his comments explaining his rejection.

Since the issue of whether or not the outstanding action is final or not affects the actions that applicant can take in any response, a decision on this request is needed before consideration can be given to formulating of a response. As such, since this response is being made within one month of the mailing of the Examiner's Action, in accordance with MPEP § 710.06, it is requested that this period for response be restarted as of the date of mailing of the requested Supplemental Action.

Respectfully submitted,



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